

### **REMARKS**

Regarding the arrangement of the specification, Applicant respectfully notes that the specification was properly arranged by the Preliminary Amendment dated 2 December 2004. The claims are now amended without prejudice, in order to address the objections to claim 4 and 8, and also to further clarify the claimed invention. No new matter is introduced, and all amendments are fully supported by the specification as originally filed. New claims 17 and 18 correspond closely to existing claims 9 and 10.

Claims 1-16 stand rejected. The independent claims are method claim 1, arrangement claim 9, mobile device claim 14, external memory unit claim 16, and arrangement claim 17. Claims 1-16 are all rejected under 35 U.S.C. § 102(e) as anticipated by *Toyoshima* (U.S. Publication 2002/0087759).

Applicant respectfully submits that the present claim amendments should further clarify the great difference between the present invention and *Toyoshima*. The *Toyoshima* reference merely concerns an external programming device, which does not teach or suggest any of the following features claimed by the present application:

- (1) the data transfer occurs via the mobile device;
- (2) an external memory is connected to the mobile device so that programming logics of claim 1, and the control unit of claim 9, can use the external memory to perform the firmware update of the mobile device; and
- (3) the programming logics are provided by the mobile device itself.

Thus, the Applicant respectfully submits that the cited *Toyoshima* reference does not disclose important features of the present amended claims.

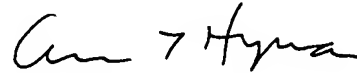
### **CONCLUSION**

Applicants respectfully submit that the claims of the present application define patentable subject matter and are patentably distinguishable over the cited references for the reasons explained. The rejections of the final Office Action being inapplicable, retraction thereof is requested, and early passage of the pending claims to issue is earnestly solicited.

Applicants would appreciate if the Examiner would please contact Applicants' attorney by telephone, if that might help to speedily dispose of any unresolved issues pertaining to the present application.

Respectfully submitted,

Dated: Nov. 16, 2007



---

Andrew T. Hyman  
Attorney for Applicant  
Registration No. 45,858

WARE, FRESSOLA, VAN DER  
SLUYS & ADOLPHSON LLP  
Building Five, Bradford Green  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955